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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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 Counterclaimant UNION PACIFIC RAILROAD COMPANY

14
 15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 NATIONAL RAILROAD PASSENGER
 CORPORATION,

18 Plaintiff,

19 v.

20 JOHN DAVIS TRUCKING COMPANY,
 21 INC., a Nevada corporation,

22 Defendant.

23 AND RELATED ACTIONS

Case No. 3:11-cv-00461 HDM VPC

**[PROPOSED] ORDER CLARIFYING
 THE COURT'S ORDER ON NRPC AND
 UPRR'S MOTION FOR
 RECONSIDERATION OF MOTION TO
 COMPEL RE JDT'S PRIVILEGE LOG
 (DKT 379, 392)**

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[PROPOSED] ORDER

The Court's March 24, 2014 Order denied Amtrak and UPRR's Motion for Reconsideration of the Motion to Compel JDT's Privilege Log (Dkt 379). At the March 25, 2014 Case Management Conference, the court clarified the scope of the March 24, 2014 Order, announcing that it was solely limited to the discoverability of the documents sought in the Motion to Compel (Dkts 277, 314). The scope of the March 24, 2014 Order was not intended to rule on the issue of admissibility. See clarification of the Court's order on T3/25/14 at p. 43:5-50:12. This Order hereby vacates paragraph 8 of the Court's March 25, 2014 Minutes of Proceedings (Dkt 392).

IT IS SO ORDERED.

DATED: June 2, 2014


UNITED STATES MAGISTRATE JUDGE

Reviewed and approved by:

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CERTIFICATE OF SERVICE***National Railroad Passenger Corp. v. John Davis Trucking Co., Inc.***

United States District Court, District of Nevada Case No. 3:11-cv-00461 HDM VPC

I, Alexine Braun, hereby declare:

I am a citizen of the United States, over 18 years of age and not a party to the within action. I am employed in the County of Alameda; my business address is 1999 Harrison Street, Suite 2600, Oakland, California 94612.

On June 11, 2014, I served the within:

[PROPOSED] ORDER CLARIFYING THE COURT'S ORDER ON NRPC AND UPRR'S MOTION FOR RECONSIDERATION OF MOTION TO COMPEL RE JDT'S PRIVILEGE LOG (DKT 379, 392)

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

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☐ **By United States Mail:** I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing documents for mailing. On the same day that the document is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an

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1 affidavit.

2 I am a resident or employed in the county where the mailing occurred. The envelope or package was placed
3 in the mail at Oakland, California.

4 ☐ **By Fax Transmission:** Based on an agreement of the parties to accept service by fax transmission,
5 I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax
6 machine that I used.

7 ☐ **By Overnight Delivery:** I enclosed the documents in an envelope or package provided by an
8 overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope
9 or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight
10 delivery carrier.

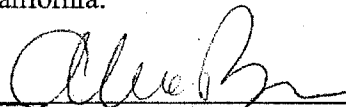
11 ☐ **By Personal Service:** I personally delivered the documents to the persons at the addresses listed
12 above. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's
13 office by leaving the documents in an envelope or package clearly labeled to identify the attorney being
14 served with the receptionist or an individual in charge of the office. (2) For a party, delivery was made to
15 the party or by leaving the documents at the party's residence with some person not less than 18 years of age
16 between the hours of eight in the morning and six in the evening.

17 ☐ **By Messenger Service:** I served the documents by placing them in an envelope or package
18 addressed to the persons at the addresses listed above and providing them to a professional messenger
19 service for service. *(A declaration by the messenger must accompany this Proof of Service.)*

20 ☒ **By E-Mail or Electronic Transmission:** Based on a court order or an agreement of the
21 parties to accept service by email or electronic transmission, I caused the documents to be sent to the
22 persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the
23 transmission, any electronic message or other indication that the transmission was unsuccessful.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct.

26 Executed on June 11, 2014, at Oakland, California.

27 

28 Alexine Braun

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